

DELEGATE GLEASON: I second.

THE CHAIRMAN: Delegate Gleason seconded.

The Chair recognizes Delegate Sickles to speak to the amendment.

DELEGATE SICKLES: Mr. Chairman, fellow delegates, I hope I can cover what is really a long story in just one or two sentences, but hope by making it brief I do not give the problem less than its full consideration.

I hope you will bear with me long enough to realize that there is a whole body of law now being developed, particularly in those counties which are trying to cooperate with their neighbor counties, by setting up the intergovernmental agencies that we have provided for.

When we passed the recommendation of the Committee on Local Government one of the avenues opened up to them was the development of regional bodies which will not be independent of the governing agencies and will not be independent of those office holders who have been elected by the people.

We have had some problems in the past in the metropolitan Washington area, and I think this has been declared to be a national problem, in setting up what we call "special purpose" agencies, who then have appointed heads, who then are not really responsive and responsible to the elected officials.

If we continue the prohibition as set out in section 5, this is one area which will not be available to us, the area of having the elected officials setting up a by-county or multiple county agency, and then appointing themselves to sit on these boards; so that in effect they are making the basic decisions and the people who have been elected are in turn making the basic decisions which involve, really, part of the sovereignty of the government to which they had been primarily elected.

In becoming aware of this problem a few years ago when we were negotiating the interstate compact to set up the transit report I reviewed all the cases. There was provided to us a report, and you received it at one time, a report prepared for the Constitutional Convention Commission; and you will have to read through that to see the many times that the question has been raised and notice the different decisions that have been made, and you know, it is hard cases that make poor law.

When we set up this absolute prohibition in the constitution then the courts find themselves in that rather difficult spot of trying to fit this law to a particular circumstance, and you have the rather interesting situation where the councilman of Capital Heights was determined by the attorney general not to hold an office of profit, but the councilman per se was held to hold an office of profit. The cases are just full of this kind of torturous roads that the courts had to follow in order to make a decision in each case.

Now, with specific reference to the attempts of the metropolitan Washington area to concern itself with its sanitary problems, there has been some discussion about abolishing the Washington Suburban Sanitary Commission. There is a strong ground swell in favor of that.

Perhaps a better alternative would be to make the governing officials those from Washington as well as the counties, so that this special single-purpose agency should still be subject to the will of the people.

If we were to pass this in its current form without modification, without giving the legislature the authority to recognize these kinds of problems, then it seems to me we would be doing a grave injustice to people who were trying to solve these regional problems in a very real and a very equitable manner.

I would hope and urge you to seriously consider this amendment, and support it as really being in the best interests of providing government on a regional basis within the framework that is available to us.

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, ladies and gentlemen of the Committee, I would have no objection to adding this language, because I understand what the problems are that are raised by Delegate Sickles.

In fact, he had discussed this with me earlier. If this will cure it, frankly I have no objection myself.

THE CHAIRMAN: Is there any further discussion?

Delegate Nielson.

DELEGATE NIELSON: Mr. Chairman, I rise to offer an amendment to the amendment of Mr. Sickles.

THE CHAIRMAN: Is the amendment printed?